



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

**GREGORY LEE,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 2:16-cv-61**

**CAROLYN W. COLVIN,  
Acting Commissioner of the Social  
Security Administration,**

**Defendant.**

***ORDER***

Before the Court is Plaintiff Gregory Lee's action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Commissioner of the Social Security Administration ("Commissioner") that denied his claim for a period of disability and disability insurance benefits. On April 19, 2016, this matter was referred to United States Magistrate Judge Robert J. Krask ("Magistrate Judge Krask") pursuant to 28 U.S.C. § 636(b)(1)(B), (C) and Rule 72(b) of the Federal Rules of Civil Procedure for a report and recommendation.

On June 7, 2016, Plaintiff filed a motion for summary judgment. ECF No. 13. On July 7, 2016, the Commissioner filed a motion for summary judgment. ECF No. 15. On November 29, 2016, Magistrate Judge Krask filed his report and recommended that the Commissioner's motion be denied, that Plaintiff's motion be granted, and that the Commissioner's decision be vacated and remanded for further review. ECF No. 18. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within 14 days from the date of the mailing of the report.

The Court has received no objections to the report, and the time for filing the same has expired. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee’s Note). Finding no clear error, the Court does hereby accept the findings and recommendations set forth in the report and recommendations of Magistrate Judge Krask.

Defendant’s Motion for Summary Judgment is **DENIED**, ECF No. 15, and Plaintiff’s Motion for Summary Judgment is **GRANTED**, ECF No. 13. The decision of the Commissioner is **VACATED** and **REMANDED** for further review. The Clerk is **DIRECTED** to provide a copy of this Order to both parties.

**IT IS SO ORDERED.**

Norfolk, Virginia  
December 20, 2016

  
Raymond A. Jackson  
United States District Judge